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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,873	12/21/2000	Junichi Kakutani	001558	6102

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EXAMINER

YAN, REN LUO

ART UNIT PAPER NUMBER

2854

DATE MAILED: 10/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/740,873

Applicant(s)

KAKUTANI, JUNICHI

Examiner

Ren L Yan

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MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Sobue(5,610,728). The patent to Sobue teaches a printer for selecting one of a plurality of trays based on printing job data as claimed including a host device 13, a plurality of trays 9 and 10 for mounting paper of different sizes, for example A5 and A4, respectively, a tray selection unit 33 for selecting the tray corresponding to printing data, and memories for storing paper size information. The memory for registering paper size information of tray 9 is considered a tray set table while the memory for registering paper size information of tray 10 is considered an alternative table. When the paper size information specified by the printing job data is not stored in any one of the trays 9 and 10, i.e. image size is larger than paper sizes mounted in trays 9 and 10, the paper deck control unit 32 will divide the print image data and use two A4 size paper from tray 10 to print the entire image as required in the print data. See Figs. 1-5 and column 2, line 61 through column 4, line 24 in Sobue for details. Regarding claims 2-4 and 6, the recited indication reads on the detection of print data by the various sensors and the signals generated as the result of sensing in Sobue. Regarding claim 5, the print data sensed by the sensors in Sobue and the communications between the memories in the printer interface control unit 15 and the paper deck control unit 32 would dictate which of the trays 9 and 10 should be used to supply

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paper. Regarding claim 7, since paper tray 10 can hold paper sizes B5, A4 or B4, each time a paper of different size is mounted in tray 10, the memory for storing the paper size for tray 10 would be inherently cleared of the previous size and a current paper size is stored. Regarding claim 8, since paper tray 10 can hold various paper sizes, the memory (alternative table) for tray 10 should be registered with the paper sizes that the tray is capable of holding. With respect to claim 10 and 11, the printer interface control unit 15 of Sobue transmits the print data request to the reception unit (paper deck control unit) 32 and thereafter, paper tray 10 is selected to supply paper if the print data requires two sheets of paper A4 to print the entire image data as required.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sobue in view of Shinohara(6,024,505). Sobue does not show the printer being connected to a plurality of host devices. Shinohara teaches in a printing system the conventionality of connecting a printer 1 with a plurality of host devices 3 such that each host device 3 can control the printing job individually. See Fig. 1 in Shinohara for example. It would have been obvious to those having ordinary skill in the art to provide the printer of Sobue with connections appropriately disposed to a number of host devices as taught by Shinohara so as to be shared by the host devices in order to reduce the equipment cost.

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5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sobue in view of Obara(5,544,875). Sobue does not indicate the types of memories used in the control units.

Obara teaches in a printer the conventional use of a nonvolatile memory 11 for storing paper size information indicative of the size of paper stacked on the paper stacking tray. See column 4, lines 47-59 in Obara for example. It would have been obvious to those having ordinary skill in the art to provide the memories of Sobue with the nonvolatile type as taught by Obara so as to ensure paper sizes information would be properly stored in the memories and ready to be accessed.

6. Applicant's arguments filed on 9-5-2003 have been fully considered but they are not persuasive. Applicant's argument that Sobue does not check for whether "the paper corresponding to the paper information specified by the printing job data is not stored in any one of the plurality of trays" is not agreed to by the examiner. As a matter of fact, Sobue discloses the determination of the paper size based on the comparison of the image size which is part of the printing job data and when the control unit realizes that the paper size required by the image size is larger than paper sizes stored in any of the trays 9 and 10, it divides the print image data and use two A4 size paper from tray 10 to print the entire image as required in the printing job data. This fact indicates that the printing machine of Sobue does check for whether the paper corresponding to the paper information specified by the printing job data is not stored in any one of the plurality of trays and decides that paper stored in trays 9 and 10 are not suitable for the paper information specified by the printing job data and that two sheets of A4 size paper are needed to print the image as required by the printing job data. If Sobue does not check for whether the paper corresponding to the paper information specified by the printing job data is not

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stored in any one of the plurality of trays, as alleged by applicant's argument, how would Sobue know that two sheets of A4 size paper are required to print the image as required by the printing job data? With regard to the tray set table and the alternative table, each of the recited tables is for registering paper information including a paper size of a paper type. The memories for storing paper size information in Sobue as explained in the above rejections are believed to fully meet the requirement.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ren L Yan whose telephone number is 703-308-0978. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on 703-305-6619. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

A handwritten signature in black ink, appearing to read "Ren yan", with a stylized flourish at the end.

Ren L Yan
Primary Examiner
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Ren Yan
Oct. 27, 2003